

## Minutes of the Independence City Commission's October 13, 2016 Meeting.

The Independence City Commission met on October 13, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Gary Hogsett, Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present. Others present included:

### **City Staff**

Micky Webb, City Manager  
Dave Cowan, Public Safety Director  
Jennifer Rutledge, Director of Finance/City Clerk  
Jerry Harrison, Chief of Police  
Barb Beurskens, Park and Zoo Director  
Don Cushing, Building Inspector  
Terry Lybarger, Director of Utilities  
April Nutt, Housing Director

### **Visitors**

Larry McHugh	John Heckman
Amanda Williams	Ashley Newland
Jerry Bright	Chris Moore
Daniel Turr	Stacey Yakshaw
Megan Royse	David Schwenker
Dorcas Sutton	Hoite Caston
Charley Hixon	Charlotte Caflisch
Tony Holmes	Ned Stichman
Sophia Smith	Jacob Hogge
Madeline Rutledge	

### **Call to Order**

Mayor Hogsett called the meeting to order at 5:30pm.

### **Pledge of Allegiance to the United States of America**

### **City Licenses**

Holtz Electric Inc – Bartlesville, OK – Robert Holtz, President  
BeeYou-Tiful You Studio – 108 W. Main – Teresa Smith, Owner  
Goins Concrete & Construction – 731 58 Road – Darrin Goins, Owner  
4 Starz, LLC dba Uncle Jacks – 104 N. Penn – Erich Umlauf & Justin Barkman  
Steely Masonry Constructio – 218 S. Burns – Douglas Steely, Owner  
Labette Health Specialty Clinic – 209 N. 6<sup>th</sup> -- Brian Williams, CEO  
Hagers Market and Furniture – 221 W. Main – Liz Hager, Owner  
LB Dirworks, LLC – Humboldt, KS – Larry Bartlett, Owner

Fred Eytcheson – Cherryvale, KS – Fred Eytcheson, Owner

**Appointments**

Planning Commission/Board of Zoning Appeals – 1 Outside City Resignation –  
Apps Due 10/21/16

Library Board of Trustees – 1 Resignation – Apps Due 10/21/16

**Adoption of the Consent Agenda**

a. Appropriations

1. A-1776

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved A-1776 for \$2,639,272.11.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

2. P-1739 & P-1740

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved P-1739 for \$122,584.56 and P-1740 for \$120,983.80.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

b. Consider approving the minutes of the September 22, 2016 Commission meeting [CITIZENS].

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the minutes of the September 22, 2016 Commission meeting.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

c. Consider resolution and proclamation for Neewollah [CITIZENS].

The resolution and proclamation for Neewollah activities are attached. City staff recommends approval.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Resolution 2016-053 declaring Neewollah; and the commission authorized the Mayor to sign the Proclamation declaring October 21<sup>st</sup> – 29<sup>th</sup>, 2016 to be Neewollah.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- d. Consider 2017 City Commission and City Holiday schedule [CITIZENS/CITY EMPLOYEES].

The proposed 2017 City Commission and City Holiday schedule is attached. City staff recommends authorize the City Commission and Holiday schedule as proposed.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission authorized the City Commission and Holiday schedule as proposed.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- e. Consider parade permits for the following parades:

1. Neewollah Doo Dah Parade – 10/27/16
2. Neewollah Kiddie Parade – 10/28/16
3. Neewollah Grand Parade – 10/29/16
4. Independence Main Street/Optimist Club Holiday Parade – 11/20/16

City staff recommends authorizing the above parades as requested.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission authorized the Neewollah Doo Dah Parade, the Neewollah Kiddie Parade, the Neewollah Grand Parade, and the Independence Main Street/Optimist Club Holiday Parade.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

**Presentation**

- f. Presentation of City Audit [CITIZENS].

The auditors will present and review the 2015 City audit.

**Ashley Newland and David Schwenker presented the 2015 City Audit.**

**Items for Commission Action**

- g. Consider a conditional use permit for a daycare at 1318 W. Hickory [CITIZENS].

The Planning Commission recommended approval of a conditional use permit for a daycare at 1318 W. Hickory with the following conditions:

The applicant must meet all the "special conditions" set forth in Section 1003.1 a, b, c and d of the Zoning Code as follows:

- a. *City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.*
  - b. *Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided within one year in addition to the required parking area in order to provide for easy pickup and discharge of passengers.*
  - c. *Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.*
  - d. *Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use. The applicant will have one year to meet this requirement.*
2. The conditional use permit is not transferable to another property owner or to another location.
  3. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.

If any of the above conditions are not met the conditional use permit will no longer be valid. The basis of staff's recommendation is that granting the conditional use permit is consistent with the criteria "a through g" of Section 902.2 of the zoning code.

City staff recommends adopting a resolution approving the conditional use permit for a daycare at 1318 W. Hickory with the above conditions.

**Motion:**

**On the amended motion of Commissioner Meier, seconded by Commissioner Caflisch, the commission Resolution 2016-052 authorizing a conditional use permit to operate a daycare at 1318 W. Hickory Street.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

**h. Consider authorizing immediate removal of unsafe structures at [CITIZENS]:**

1. 1028 E. Edison – Detached garage and outbuilding only
2. 404 S. 11<sup>th</sup> – Detached garage only
3. 1108 W. Cedar

The Building Inspector is recommending the above structures be considered for immediate removal. Additional information will be presented at the meeting regarding these structures.

**The Commission took no action on these houses, to allow property owners time to respond. These houses will be brought back to the October 26<sup>th</sup> meeting.**

**i. Consider establishing Central Business District Building Grant Guidelines [CITIZENS/BUSINESS & INDUSTRY].**

Consider attached program guidelines for the Central Business District Building Grant. These guidelines were developed through a series of meetings with downtown property owners and staff.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved the Central Business District Building Grant Guidelines as presented with the following modifications:**

- **#4 will be changed to clarify that the improvements must be structural on ceilings**
- **The grant forgiveness over 36 months will be explained more clearly**
- **The distinction of commercial use will be changed to non-residential use**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- j. Consider a request from the Housing Authority to develop Bradley Court in the Eisenhower Subdivision [CITIZENS].

The Independence Housing Authority Board is requesting authorization to construct the final phase of the Eisenhower Subdivision by constructing seven single family homes on Bradley Court. April Nutt, Independence Housing Authority Director will be available to discuss this project with you.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission granted permission to the Housing Authority to develop Bradley Court in the Eisenhower Subdivision at the cost of the Housing Authority. (No funds will be expended by the City.)**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- k. Consider properties being sold at the tax sale [CITIZENS].

The tax sale is October 14, 2016. There are several properties in Independence on the list, including many that have liens by the City for various reasons; such as mowing, demolition, infrastructure, etc. Included on the tax sale are the Country Village properties, which are items 616-623 on the attached tax sale listing. The City previously expended funds on infrastructure for these lots, which was assessed and has mostly been unpaid. City staff wanted to bring these properties to your attention in the event you wish to direct staff or the City Attorney to take any further action.

**No action was taken**

- l. Consider an ordinance authorizing disposal of abandoned or unclaimed property [CITIZENS].

Attached is an ordinance that would allow disposing of abandoned or unclaimed property. This ordinance has been requested by the Police Chief and prepared by the City Attorney.

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission adopted .**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- m. Consider a nuisance ordinance for 815 W. Main.

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Ordinance 4227 assessing \$360.00 in nuisance taxes to 815 W. Main.**

**Aye: Caflich, Hogsett, Meier**

**Nay: None**

**Reports**

- n. Report on Sales Tax [CITIZENS].

Attached is the latest sales tax report.

- o. Update on City projects [CITIZENS].

The City Manager will provide an update on City projects.

- p. Report on City board minutes [CITIZENS].

Minutes from the September 6, 2016 Planning Commission/Board of Zoning Appeals meeting; and the September 21, 2016 Recreation Commission meeting are attached.

**Commission Comments**

- Commissioner Hogsett listened to a session about the complexities of the job of the City Clerk and he would love to see our City Clerk go to that training. He also asked about the Certified Public Manager program.

- Commissioner Caflich recently went to a trade show where one of the vendors represented was an energy company. They offer an energy audit to houses and make recommendations. The utility would fund the project if the homeowner will make the recommended changes. It would be great to look at a program like this, especially for low income housing.

- Fred Meier found the internship program available through KU to be something that he thinks we should investigate and possibly partner with.

**Public Concerns**

Hoite Caston addressed the Commission about the 'libelous petition' presented by 'Debbie Downer' and other members of the Community at the previous meeting. After years of attacks and months of door to door bullying, there was only a small number of signors. This vendetta on Micky was started years ago when Ms. Miller was unable to close a street for a sale. Micky has been castigated for using Building D. When the 20

**year old mold problem reached a level that affected personnel, his foresight resulted in a 2 day move of city offices. The lack of signatures on the petition was blamed on the fear of citizens that the City would lash back. These members of the community have demeaned the City Manager and his staff. You need to dismiss the petition.**

**Executive Session(s)**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Hogsett, the commission called a 15 minute executive session according to Kansas Statue 75-4319 (b) (2) for the purpose of consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship, to end at 7:23. The executive session included Mayor Hogsett, Commissioner Meier, Commissioner Caflisch, Micky Webb, and Jeff Chubb.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

**Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission directed staff to end negotiations with Burns and McDonnell and begin negotiations with Treanor.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

**Adjournment**

**Motion:**

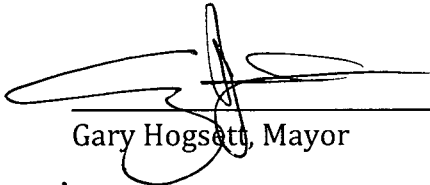
**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adjourned the meeting.**

**Aye: Caflisch, Meier, Hogsett**

**Nay: None**

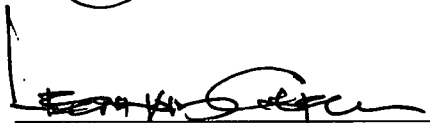


Minutes of the Independence City Commission's October 13, 2016 Meeting.



---

Gary Hogsett, Mayor



---

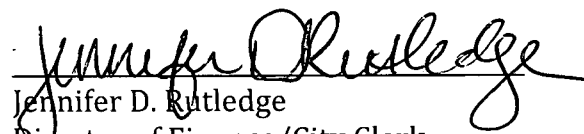
Leonhard Caflisch, Commissioner



---

Fred Meier, Commissioner

Attest:



---

Jennifer D. Rutledge  
Director of Finance/City Clerk

But didn't get  
to talk last  
meeting

5:31pm  
read

①

### Request to Address the City Commission



Name:

Hoite Coston

Agenda item you wish to address: Letter: \_\_\_\_; or

Public concern you wish to address: \_\_\_\_\_

Petition Against Nicky Webb

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No \_\_\_\_\_